

# **North Albuquerque Acres and Sandia Heights Light Pollution Ordinance**

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## **BERNALILLO COUNTY CODE**

### **Chapter 30 - ENVIRONMENT**

### **Article VI - LIGHT POLLUTION**

#### **ARTICLE VI. LIGHT POLLUTION**

##### **DIVISION 1. GENERALLY**

Secs. 30-171--30-180. Reserved.

#### **DIVISION 2. OUTDOOR LIGHT FIXTURES IN THE NORTH ALBUQUERQUE ACRES AND SANDIA HEIGHTS AREAS**

##### **Sec. 30-181. Title.**

This division shall be known as the North Albuquerque Acres and Sandia Heights Light Pollution Ordinance.

(Ord. No. 1997-18, § 1, 11-4-97)

##### **Sec. 30-182. Declaration of necessity.**

WHEREAS, the regulation of the use of outdoor light fixtures can reduce light pollution and conserve energy; and

WHEREAS, the night sky is an important aspect of our environment; and

WHEREAS, it is pleasing to the senses and intellect of mankind to be able to gaze at the night sky with minimum interference from light pollution; and

WHEREAS, many of the residents of North Albuquerque Acres and Sandia Heights enjoy amateur astronomy, but light pollution interferes with their enjoyment; and

WHEREAS, light pollution interferes with astronomical research facilities which are engaged in the study of planets, comets, stars, galaxies, and satellites; and

WHEREAS, the residents of North Albuquerque Acres and Sandia Heights reside in an area of the unincorporated area of Bernalillo County that contain highly significant views; and

WHEREAS, North Albuquerque Acres and Sandia Heights are bounded on the North by the Sandia Indian Reservation; on the South by the City of Albuquerque; on the East by the Sandia Mountain and the West by the City of Albuquerque.

NOW, THEREFORE, the Board of County Commissioners for the County of Bernalillo hereby, finds and declares that the night sky is an important aspect of our environment and that it is essential for the County of Bernalillo to regulate the use of outdoor light fixtures in North Albuquerque Acres and Sandia Heights.

(Ord. No. 1997-18, § 2, 11-4-97)

##### **Sec. 30-183. Intent and purpose.**

This division is intended to create standards for outdoor lighting so that its use does not unreasonably interfere with the enjoyment of adjacent property owners, and with astronomical observations, and to promote energy conservation without jeopardizing safety, utility, security and productivity. The purpose of this division is to minimize light pollution, which has a

detrimental effect on the night sky environment, interferes with the enjoyment of the night sky, and causes unnecessary illumination of adjacent properties.  
(Ord. No. 1997-18, § 3, 11-4-97)

**Sec. 30-184. Conformance with applicable codes.**

All outdoor electrically powered illuminating devices within the area controlled by this division, including outdoor light fixtures on facilities or lands owned, operated, controlled or protected by the State of New Mexico, the County of Bernalillo, the City of Albuquerque, or other public entity or public agencies, must comply with the requirements of this division, unless exempted through the provisions of section 30-190 of this division, and shall be installed and thereafter maintained in conformance with the provisions of this division, the Zoning Ordinance, the Building Code, the Electrical Code and all other applicable provisions of the Bernalillo County Code.

Federally funded and state funded roadway construction projects, such as Paseo Del Norte and its intersections with other local streets and roadways are exempted from the requirements of this division only to the extent it is necessary to comply with federal and state requirements.

(Ord. No. 1997-18, § 4, 11-4-97)

**Sec. 30-185. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The "IES" (Illuminating Engineering Society of North America) Lighting Handbook, 1981 most recent edition Application Volume, the Bernalillo County Zoning Ordinance, Building Code, and Electrical Code shall be used for the definition of terms used in this division but not defined herein. In the case where a definition of a term of this division is found to be in conflict with a definition of a term of any other ordinance, "IES" handbook or regulation, the more restrictive definition will apply.

*Automatic timing device* means a device that automatically controls the operation of a light fixture or fixtures, circuit or circuits. Photocells and light and or motion sensors shall be considered automatic-timing devices

*Cutoff* means a light fixture designed, installed, and operated so that the light distribution meets the following criteria: the candlepower per 1,000 lamp lumens does not numerically exceed 25 (2.5 percent) at an angle of 90 degrees above nadir (horizontal), and 100 (10 percent) at an angle of 80 degrees above nadir. This applies to any lateral angle around the light fixture.

*Filtration* means outdoor light fixtures, which have glass, acrylic or translucent enclosures.

*Installed* means the attachment or assembly fixed in place whether or not connected to a power source.

*Light pollution* means artificial light which causes a detrimental effect on the night sky environment, interferes with astronomical observation, or diminishes enjoyment of the night sky.

*Outdoor light fixtures* means outdoor electrically powered illuminating devices, outdoor lighting, internally illuminated or reflective surfaces, bare lamps, and similar devices, permanently installed or portable. Such devices may be used for but are not limited to:

1. Outdoor lighting of buildings and structures, including building overhangs and canopies;
2. Outdoor lighting of recreational areas or parking lots;
3. Security lighting;
4. On-premises signs;
5. Street lighting;
6. Landscape lighting;
7. Building mounted area lighting; and
8. Building facade lighting.

*Person* means any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, political subdivision, or other group or combination, acting as a unit.

*Premises* means a tract, lot or parcel of land together with all buildings and structures thereon.

*Private area light* means a light installed by a public utility company under a public utility company's rate schedule for private use and owned by the public utility company.

*Semicutoff* means a light fixture designed, installed, and operated so that the light distribution meets the following criteria: the candlepower per 1000 lamp lumens does not numerically exceed 50 (five percent) at an angle of 90 degrees above nadir (horizontal) and 200 (20 percent) at a vertical angle of 80 degrees above nadir. This applies to any lateral angle around the light fixture.

*Shielded* means a technique or method of construction which causes all the light emitted from an outdoor light fixture to be projected below a horizontal plane passing through the fixture.

*Shielded aimable* means a technique or method of construction which causes all the light emitted to be directed to the surface or area to be illuminated, so that the emanating source of light is not visible from any angle except those angles that exist between the fixture and the target to be illuminated. The emanating source shall not be visible from any adjacent properties or roadways to minimize light pollution.

(Ord. No. 1997-18, § 5, 11-4-97)

### **Sec. 30-186. General requirements.**

Searchlights, spotlights, floodlights or lighting fixtures used to illuminate off-premises signs are hereby prohibited. Any other outdoor light fixtures or illuminated on-premises signs installed after the effective date of this division shall comply with all applicable county ordinances and with the following:

1. All outdoor light fixtures and illuminated on-premises signs shall be (1) designed and operated as cutoff or shielded aimable fixtures, (2) equipped with and controlled by light and motion sensors or automatic timing devices, and (3) shall remain off between 11:00 p.m. and sunrise except for illuminating walkways or driveways.

2. Outdoor light poles and standards shall not exceed 16 feet in height above existing grade. Public streetlight poles and standards are exempt from this height requirement.
3. All outdoor lighting fixtures mounted on buildings or structures shall be mounted at a height no more than 16 feet above finished grade.
4. All outdoor lighting systems shall be designed, or re-designed, and operated so that the area 10 feet beyond the property line of the premises receives no more than 0.25 (one quarter) of a footcandle of light from the premises lighting system.

(Ord. No. 1997-18, § 6, 11-4-97)

**Sec. 30-187. Approved materials and methods of installation.**

The provisions of this division are not intended to prevent the use of any design, material or method of installation or operation not specifically prohibited by this division, provided such alternative design, material or method conforms with the intent of this division and has been approved by the zoning administrator.

1. The zoning administrator may approve any such proposed alternative design provided he finds that;
  - a. It complies with the applicable specific requirements of this division; or
  - b. It has been designed or approved by a registered professional engineer and complies with the intent of this division.
2. Such determination shall be made in accordance with the procedures in the Administrative Section 24.A.4, of the Bernalillo County Zoning Ordinance.

(Ord. No. 1997-18, § 7, 11-4-97)

**Sec. 30-188. Nonconforming outdoor fixtures.**

All non-conforming outdoor fixtures installed prior to and operable on the effective date of this division shall be removed or converted to a conforming use within three years for non-residential use and five years for residential use.

(Ord. No. 1997-18, § 8, 11-4-97)

**Sec. 30-189. Exemptions.**

Existing public streetlights installed before the effective date of this division are exempt from the requirements of this division; however, when they become unrepairable, their replacements are subject to all provisions of this division.

(Ord. No. 1997-18, § 9, 11-4-97)

**Sec. 30-190. Administrative exemption.**

Any person may submit an application for an administrative exemption from the requirements of the division. This request shall be done in accordance with the procedures enumerated in the Administrative Section 24.A.4, of the Bernalillo County Zoning Ordinance. In addition the request shall state fully:

1. The circumstances and conditions relied upon as grounds for administrative exemptions; and
2. The circumstances and conditions by which strict application of the provisions of this division would deprive the applicant reasonable use of the land, building or outdoor light fixtures; and

3. The grounds by which the granting of the administrative exemption will not be injurious to the neighborhood or otherwise detrimental to the public welfare.  
(Ord. No. 1997-18, § 10, 11-4-97)

**Sec. 30-191. Penalty.**

Any owner, tenant, agent, or person in charge of any premises or any other person who violates any of the provisions of this division, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding \$300.00 per day of the violation, or imprisonment in the county jail for a period not exceeding 90 days, or both fine and imprisonment. Unless otherwise specified, each day that a prohibited condition exists shall constitute a separate offense.

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